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ABSTRACT

This brief paper is intended, not to provide legal advice, but to alert foster parents to some of the key legal issues affecting their role in decision-making for the foster child. Contents discuss foster parents' access to adequate information concerning their foster children and their right to pursue grievances, resist agency decisions to remove the child, and adopt. Also provided are regulations concerning the appeal process for foster parents and foster parent applicants; these are identical, with minor exceptions, to the fair hearing process for consumers. (RH)

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FOSTER PARENTS' RIGHTS TO SHARE IN DECISION-MAKING FOR THE FOSTER CHILD: Some Issues That Foster Parents Should Be Aware Of

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Planning for Children in Foster Care Project

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FOSTER PARENTS' RIGHTS TO SHARE IN DECISION-MAKING FOR THE FOSTER CHILD: Some Issues That Foster Parents Should Be Aware Of

By Mark Hardin and
Patricia Tazzara

Because they provide the day-to-day care, foster parents have unique knowledge and insights concerning their foster children. It is essential to the well being of many foster children that this knowledge is not lost in planning and decision-making for the child. Yet, foster parents are generally not sufficiently involved in planning for children in their care. Foster parents need to work to improve their role in case planning in several areas:

- Greater involvement in decision-making processes.
- Better access to necessary information about the child and family (along with greater, clearer legal responsibility to maintain confidentiality).
- More sympathetic and constructive working relationships with natural parents.

We do not suggest that foster parents should or could make the ultimate decisions regarding the child's placement or custody. But it is appropriate and necessary that the foster parents' voices be heard when many critical decisions are made.

Foster parent organizations are crucial to enhancing the role of foster parents. They can work constructively and informally with child welfare agencies and can press for legal reforms, both in the form of revised agency rules and regulations and state laws. Foster parent organizations have, in many states, successfully pressed for:

- Better access to information essential for care of the child (and the obligation to maintain confidentiality).
- The right to file grievances to stimulate better planning for the child.
- The right to a hearing prior to removal of a child that has been in the foster home for a long period of time.
- The right to participate in periodic review hearings for children in foster care.

Opinions expressed in this paper are solely those of the authors.

- Priority in agency adoption placement decisions, after the child has been in the foster placement for a certain time.

- The right to initiate proceedings for legal custody or adoption and to challenge the agency'd decision to deny adoption.

Individual foster parents can also do more to enhance their role. They can use their tact, their persistence, and their assertiveness to assure that the child receives necessary care. And, as a last resort, foster parents can pursue legal remedies, when firmly convinced that it is critical to the well-being of the child.

This brief paper is intended, not as legal advice, but to alert foster parents to some of the key legal issues affecting their role in decision-making for the child. We hope that the paper will stimulate foster parents to more often seek out and obtain good legal advice and to take a more active role in shaping state law.

FOSTER PARENTS' ACCESS
TO ADEQUATE INFORMATION CONCERNING
THEIR FOSTER CHILDREN

The child welfare agency never told us about our foster child's prior history of delinquency. He has been in our home for three months, and already a number of incidents have occurred at school, including a case of arson. Don't we have a right to full disclosure of information prior to taking the child into our home?

There are various federal and state regulations which control the release of confidential information, and the agencies do often use such laws to deny foster parents access to important information. However, many of these laws are vague and ambiguous. Agencies are often confused as to the numerous rules affecting access, and sometimes manipulate them to prevent disclosure to foster parents.

Foster parents obviously need certain information in order to carry out the role which the state has assigned them, and confidentiality laws should be interpreted in light of these needs. Foster parents need information about matters which will effect their other family members, their daily routine, and their responsibilities as foster parents.

What are the laws which regulate access to records concerning children?

There are federal regulations which control access to child abuse and neglect records. In addition, there are state omnibus statutes called "privacy acts" or "fair information practices acts" which determine access to state agency information. States also have specific laws limiting access to child abuse and neglect records and juvenile court records. Most states have separate confidentiality laws which apply to welfare and social service records.

Some states, instead of having a particular statute on confidentiality of abuse records, leave it to the state welfare agency to make rules governing the release of these records.

What types of questions should I ask the agency before I take a foster child into my home?

You should request any information which helps you to care for and deal with your foster child. This includes information about the child's natural parents if it helps you to deal with the child. Here are a few important items:

- Information from the child's medical history, concerning any physical, mental or behavioral problems which need special attention.

- The child's history of juvenile delinquency, if applicable.

- The reason for the child's removal from the natural parent's home, including the parent's conduct or condition if that was the reason for removal.

- Past abuse or neglect of the foster child.

- Length of time that the foster placement is expected to last, plus any pending court proceedings that may affect the length of time in placement.

- Any special educational needs or problems of the child.

- The child's general habits and behavior traits.

I can't afford a lawyer to interpret all those laws and regulations. Are there any points I might bring up to convince the agency to share information with me?

- Explain that you are only requesting information to help you deal with and care for the foster child. As for information about the parents, make it clear that you only want information to help you to understand the foster child and deal with the parents at visitation.

- Ask for information, not access to written records.

- Point out that the agency has to use some discretion in applying confidentiality laws. If they applied their rules mechanically, agencies might not be able to communicate the child's name or even essential medical information, such as a child's epilepsy. The point is, if the caseworker is asserting an overly restrictive policy on confidentiality, the agency is probably not consistently following such a policy.

- Ask for a copy of the agency's confidentiality regulations. If refused, contact an attorney, or the state attorney general's office.

You should be considered part of the treatment team and be provided all information you need to make an informed decision whether to take a particular child and then to provide responsible and appropriate care. But remember, if the agency shares sensitive information with you, you have a responsibility not to share the information with friends or acquaintances. Divulging such information may even be a crime.

What can I do to get better access to school records?

Ask the child welfare agency having legal custody of the child to execute a release to the school, allowing you access to that information.

If your foster child is handicapped or learning disabled, perhaps you can convince the agency to allow you to be the signatory to the child's Individual Educational Plan that will give you access to information and will give you a principle role in educational planning for the child.

I have had problems getting basic medical information and getting prompt authorization for necessary medical care.

Again, some agencies are willing to send a release of information to medical providers, allowing them to give necessary medical information to foster parents.

The agency may also be willing to give you written authority to authorize routine medical care.

If you have problems securing payment for the child's medical care, you may wish to ask the agency to issue a separate medicaid card for the child.

FOSTER PARENTS' RIGHTS TO PURSUE GRIEVANCES

As a local foster parent organization, a number of foster parents have called our attention to the local welfare agency's slowness in making maintenance payments and problems with certain caseworkers. Is there any way in which foster parents can register these complaints, short of going to court?

Approximately thirty states have a grievance process for foster parents who have complaints concerning child welfare agency performance. These grievance procedures are contained in state welfare regulations. They provide an informal means for review of agency decisions by agency supervisors, or sometimes a board containing non-agency members as well. The grievance procedure may be the only mechanism, short of court action, to challenge agency performance, or in some states, may exist along with a more formal fair hearing process which handles the more serious agency disputes.

The first task of the foster parent organization is to determine whether the state has a grievance process or fair hearing process for foster parents. If none exists, the organization should lobby for implementation of a grievance procedure.

When should a foster parent raise her complaint at a grievance hearing?

- When she feels that a serious mistake is being made.
- When an attempt has been made to work it out tactfully with the caseworker.
- When there is no emergency (you may want to bring emergencies directly to court).
- When the dispute is either too minor for a court proceeding, or when a court action would probably be futile (according to an attorney).

What types of complaints may be heard in a grievance proceeding?

This will, of course, depend upon state regulations. If your state does not list specific issues which may be appealed, you may raise anything from personality disputes with a caseworker, to more serious case management decisions such as challenging removal or challenging the agency's decision not to provide medical care for your foster child. Some serious issues, particularly those requiring immediate attention, may not be appropriate for the grievance process, and you should consider taking these issues to court, or perhaps circumvent the grievance process in some way.

Other issues which are typically raised at grievance hearings are: a challenge to the closing of a foster home, reimbursement for damage

done to the home by foster child; denial of application to become foster parent; agency failure to provide services; the fact that there is no case plan or assigned caseworker for the child; in short, any complaint about the operation of the child welfare agency or conduct of its employees.

How does a typical grievance process work?

A foster parent, either dissatisfied with the performance or the decision of a child welfare agency employee, will request a grievance hearing by calling or writing to the agency. The supervisor of that particular employee schedules a meeting, and notifies the parties, (the foster parent and agency employee) of the hearing date. The hearing itself is an informal or semi-formal discussion, with both sides presenting their case to the supervisor. There may be a right to be represented at the hearing. Within a limited time (perhaps 10 days) the supervisor is required to notify the parties of the decision in writing along with notification of the appeals procedures, if any. Often, there will be a chain of appeals available within the agency, each to one higher level of supervisors (in one place we know of as many as eight appeals before reaching the Commission of the Welfare Department).

You indicate that some issues are not appropriate for a grievance procedure. Are there problems with the grievance process that we should be aware of?

The effectiveness of the grievance procedure depends partly on its structure. The following are four problem areas which are common to many grievance processes.

(1) Multiple levels of appeal within the agency, as mentioned in the prior question: This tends to wear down foster parents, before they can present their case to a high level within the agency. This helps the agency to maintain the status quo, while frustrating the foster parents'right to be heard. Multi-level appeals are also time-consuming, and not appropriate when a decision requires rapid attention.

(2) No matter how many levels of appeal, you are always appealing within the agency, and there is often a tendency for the agency to ratify its original decision (This is remedied when the decider is a board composed of some non-agency members).

(3) Grievance proceedings often do not offer due process protection such as the right to have an attorney or other representative, to get a decision based only on facts presented at the hearing, and the right to cross examine adverse witnesses.

(4) Foster parents sometimes find that, as a result of bringing a grievance to the agency, the caseworker later retaliates by removing their foster child, or closing their home. If this happens, you should consider a lawsuit the issue of retribution is further discussed under "right to adopt".

Are there some advantages to the grievance process as opposed to a court proceeding?

The grievance process is quicker and less costly than a court proceeding. The agency may not be as rigid about its position as it would in court. Also, the foster parent may have the option of still resorting to court action even if the grievance decision is unfavorable.

If we do have a challenge which is not appropriate for a grievance hearing how can a foster parent avoid the grievance process?

One possible means of circumventing the grievance process is to contact the clerk of the juvenile court and ask that an attorney or guardian ad litem ("GAL") be appointed for your child if the child does not already have one. The attorney or "GAL" will serve as an advocate of the child's legal rights and if convinced by your complaints, might raise the issue with the head of the child welfare agency or take it to court. Of course, you may wish to obtain your own attorney .

When we are lobbying to have a grievance procedure instituted for our state what features should we insist upon in order to make our system a good one?

Even though the models vary, there are several features which can be identified as contributing to a good grievance proceeding.

- It is important to have a non-agency person involved in the decision process; a board consisting of agency and non-agency members (perhaps foster parents) will more likely render an impartial, fair decision

- The grievance hearing should have some due process protection for the parties. Foster parents should be aware of their right to be represented at the hearing; notice of the hearing should be provided well in advance to all parties; there should be a right to present written and oral statements at the hearing; the decision should be reached within a limited period after the hearing and notice of the decision should be sent to the parties in writing; the decision should be based only upon testimony and evidence received at the hearing. Parties should be made aware of their right to appeal when notified of the decision.

- Consider having a group hearing in which foster parents witness all the grievances presented, with the option of a private hearing if a foster parent prefers.

- Massachusetts serves as a good grievance model (see attached pages for the regulations) for several reasons.

  Foster parents are given a fair hearing in which to appeal the issues which fundamentally effect their foster parent status. The grievance process is wholly separate and exists to challenge more minor disputes concerning the operation of the child welfare system. The fair hearing process thus gives more procedural protection and a more formal hearing for the more serious decisions.

  The grievance is not a multi-level series of appeals within the agency. A grievance is either resolved at an informal conference, or at a formal grievance hearing, at the agency's discretion. While an unfavorable informal conference decision may be appealed at a formal grievance hearing, there is no appeal beyond this formal hearing.

  There are adequate procedural protections, even at the grievance level: the right to be represented, time frames for scheduling the hearing, and for making the written decision; and a decision based only upon facts adduced at the conference.

  On the other hand, the Massachusetts' procedure does not involve any non-agency persons in the decision.

What can foster parent organizations do, once a grievance process is in effect, to ensure that it works as effectively as possible?

The local foster parent organization can play a very important role in improving grievance procedures by educating current and prospective foster parents about the process. A major problem is that many foster parents are not aware that they have a means of challenging agency actions harmful to the child. The foster parent organization should obtain a copy of their state and welfare regulations on foster parent grievances, in order to be sure that all rights are made clear to foster parents.

FOSTER PARENTS' RIGHTS TO RESIST AGENCY DECISIONS TO REMOVE THE CHILD

We are the foster parents of a pre-school child who has already been in our home for over two years. We very much want to keep her with us as a foster child, but the agency has now informed us that she will be removed from our home and placed with another foster family. Can we fight this in court?

The right of a foster parent to challenge removal is not established in many areas--the law is not yet settled. It depends upon state laws or state welfare regulations which usually define the right in terms of how long the child has been with the foster parent, and the reason for removal of the child. Aside from state law, you can argue that you have a constitutional right to challenge removal, based on the Supreme Court case of Smith v. O.F.F.E.R., 431 U.S. 816 (1977). That case, however, did not decisively establish such a right.

Assuming that we have a right to formally challenge the removal decision, can we take it to court?

Some states give the foster parent the right to contest the issue in court, while others provide for a administrative non-court hearing. A few allow foster parents to choose.

An administrative hearing is conducted by a hearing officer not connected with the agency. In addition there may be more informal procedures available such as conferences or grievance procedures, but you may not want to settle for less than a full hearing.

Which is the more effective means of challenge, the judicial or the administrative hearing?

A court provides a formal hearing of the issues, with a decision by an impartial decider, and other due process protections such as notice of the proposed action, right to counsel, right to cross-examine, and a verbatim record.

The administrative hearing is often less formal, faster and less costly. It can be a good forum if it has the same essential procedural protections that a court hearing has. Naturally, the effectiveness of either procedure largely depends upon your lawyer and upon the skills and attitudes of the judge or hearing officer.

Is there any way to get into court if my state's laws do not explicitly give foster parents access to the courts?

There may be. Your lawyer may want to check the state Juvenile Court Act to see the definition of "parties" in juvenile court, who can file

a petition, who must receive notice, and who can seek to modify juvenile court orders. Sometimes the language is broad enough to include foster parents.

Are there any arguments available if the Juvenile Court Act does not allow the foster parents challenge in the court?

Frequently, the Juvenile Court Act will not give you a clear answer. Your lawyer must then turn to some general concepts of legal procedure (involving terms such as "standint", "joinder" and "intervention"). The success of those arguments partly depends upon whether you are only trying to prevent the child from being removed or are seeking legal custody or adoption (in which case it may be easier to obtain a hearing).

Assuming the law is unclear in our state, what kinds of specific circumstances are most likely to give us the right to challenge the removal decision?

The reason for which the agency is proposing removal can be very important. Often, your case is stronger if the agency intends to place the child in another foster home rather than to return the child to the natural parents. The law has a strong preference for return of the child to the home of the natural parent.

Also, the younger the child was when placed with you and the longer the child has lived with you, the stronger your case might be.

Does this mean that I will win at the hearing if my case contains the factors you've listed?

These factors are merely a guide as to when you more likely will have standing to petition for a hearing prior to removal. Once you do get a hearing, these factors will also be considered in evaluating your case, along with some others such as: length of time in placement; whether the foster parent is committed to the child (willing to keep permanently); and how well the child has fared in the foster home.

My foster child was placed in my home under a written long-term agreement. Does this give me a stronger basis to challenge the decision if the agency tries to remove the child?

Very possibly, although it depends, of course, on exactly what the written agreement says. Under the Smith v. O.F.F.E.R. case, which discusses the rights of foster parents, the Supreme Court stated that the right to challenge removal partly depends upon the arrangements between agency and foster parent. If you can show that you were given solid assurances that the child would not be removed from your home, that will strengthen your legal position.

A long-term placement agreement, a pre-adoptive placement, or a guardianship can put you in a stronger position to challenge removal, both constitutionally and under many state laws.

What if the contract I made with the agency gives the agency the right to remove our foster child? Does that mean that we cannot challenge the action?

Many contracts between the agency and foster parent contain a provision which gives to the agency the right to remove the child. This does not automatically preclude your challenge, and you may have a variety of way to attack this contract provision. You may attack the validity of the provision itself, interpret it to your advantage, or perhaps argue that while it was valid at the time it was made, it was subsequently modified.

FOSTER PARENTS' RIGHTS
RELATING TO ADOPTION

We are the foster parents of a pre-school child who has been in our home for a year and a half. We and the agency did not discuss the possibility of adoption at the time she was placed with us, but we now want to adopt her. What legal problems might we face?

There may be two potentially serious obstacles to the adoption: opposition by the agency having legal custody and opposition by the natural parents. But such opposition does not necessarily mean you will lose if you take the case to court.

What if the natural parents oppose the adoption?

Assuming, that the natural parents have not legally released the child for adoption and their rights have not been terminated by court action, the law sets very strict standards for severing parental rights. Although state laws do vary substantially, you will probably have to show the following:

(1) That adoption is possible and preferable; and

(2) That the child is unlikely to be returned to the natural parents, taking into account that:

(a) the parent has shown extreme disinterest in the child by, for example, a gross failure to visit or communicate with the child, or by indicating that she intends to give the child up;

(b) the agency has tried diligently, but failed to make it possible for the child to return;

(c) the parent has habitually abused or neglected the child or its siblings;

(d) the parent has engaged in acts of abuse or neglect resulting in serious injury or death to the child or sibling; and/or

(e) the parent has a diagnosible condition which is grossly inconsistent with the care of the child, such as certain alcohol or drug addiction, and certain mental or emotional problems.

As you can see, the chances of succes depend largely on the particular circumstances of your case. However, if you can make a strong showing that the adoption would be best for your child and that she can't return to the natural parents, your chances are improved.

It may be preferable either to file for adoption or to "terminate parental rights" -- depending on your state law. You will want to check with your attorney on that.

The agency opposes our adoption and they tell us we'll have no recourse. Is that true?

In many states, agencies having legal custody or guardianship of children in foster care do not have absolute veto power over foster parent adoption. You will need to find out from your attorney how your state laws and court decisions deal with this issue.

If you take the case to court, the state law might:

- Allow the judge to decide whether to approve the adoption.
- Allow the judge to approve the adoption only if he finds that the agency's denial is arbitrary or unreasonable.
- Require that the judge deny the adoption because the agency having custody or guardianship denies it.
- Be unclear, and subject to interpretation.

Unless state law gives complete discretion to the agency, your case will then depend on how convincing are the agency's reasons for denying consent. Practically speaking, you will have to show that the agency's position doesn't make good sense.

When our foster child came to stay with us, the agency had us sign a written agreement saying we wouldn't try to adopt. Does that kill our chances in court?

Not necessarily, again depending upon your state. The contract may not be enforceable even if the agency thinks it is. You will have to check with an attorney, and bring along a copy of the agreement. For example, your lawyer might be able to convince the court that: the agency had no authority to enter that agreement or that the agreement can't tie the hands of the court to decide what is best for the child.

When we first mentioned the adoption to the agency, they seemed to approve it, but ever since we've been active in the foster parents' group the agency has changed its mind about the adoption. What can we do?

If the agency has in fact changed its mind about the adoption because of your involvement in the foster parents' group, your constitutional rights to freedom of speech and association have been violated and you can raise that in court. If so, you will have to prove the improper agency motivation, however; this can be difficult to do.

In an attempt to offer this proof, you should point to such circumstances as:

- Was the agency's change of mind sudden?
- Did it occur immediately after they discovered your involvement with the association? Did it occur right after a conflict between the group and agency in which you took part?
- Did the agency supply you with an alternative for its change of mind? Was it a plausible and reasonable explanation?
- Had the agency previously indicated its approval in writing? In the presence of others?
- Did the agency make any open statements about your involvement in the foster parents' group? To other people? In writing?

Will I be eligible for any public assistance as an adoptive parent?

The adoptive parent may still be eligible for some public assistance, but not usually on the same level as the foster parent. Payments for foster parents are made under the Aid to Families with Dependent Children program, without regard to the income of the foster parent. An adoptive parent is subject to much tighter eligibility criteria for aid under the AFDC program for non-foster children.

Some adoptive children are eligible for social security benefits, and handicapped children adopted by low income families may be eligible for Supplemental Security Income (SSI) payments. In addition, many states have enacted "adoption subsidy" laws to provide funds to facilitate the adoption of difficult to place children.

What are adoption subsidy programs?

In almost every state, there is an adoption subsidy program, which provides payments to the adoptive parents of certain difficult to place children. The idea is to facilitate the adoption of children who would otherwise remain in foster care.

Although the amount and type of such payments vary, there are eligibility guidelines for these programs set by state law and agency regulations.

Although many agencies regard the subsidy as a matter of agency discretion, if you apply for the subsidy and are denied it, it may be possible to successfully contest the denial. It may be prudent, however, to obtain the agency's clear agreement to consent to the adoption before challenging its denial of a subsidy.

I understand that there will be federal funds available for adoption subsidies. Will this help me?

The new federal Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272) will strengthen the state subsidy programs by providing additional funding and by setting minimum state requirements. However, the Act will only provide funding for adoptions occuring after your state has fulfilled the requirements of the law.

The states are required to have an adoption assistance program in compliance with federal law by October 1, 1982. However, many states are beating that deadline; you should check with your Governor's office or the director of your state's child welfare agency.

How does a child qualify under the federal law?

Under the new Act, a prospective parent, including a foster parent, may receive a subsidy for the adoption of a "special needs" child who is also eligible for the Social Security Administration's Supplemental Security Income (SSI) program or for the Aid to Families with Dependent Children Program, including federally assisted foster care.

What is a "special needs" child?

"Special Need" is defined under the Act as a specific factor or condition which makes the child difficult to adopt. Factors include ethnic background, age, medical condition, or a physical, mental or emotional handicap. If your foster child has any of these characteristics, he may be considered a "special needs" child.

We are the foster parents of a fourteen year old child, and we all would like to make the relationship more permanent. The child maintains some contact with his natural parent (who is institutionalized). The child does not want to cut off all ties with his parent. Are there any options available to us, short of adoption?

Two of the most important options for permanent placement short of adoption are long-term foster placement and legal custody.

What is long-term foster care?

The characteristics of long-term foster care vary with state law and regulation. Basically, it is an arrangement in which foster parents may care for a child until the child reaches 18 years of age. The foster parent may gain certain powers with this status, such as the power to authorize emergency medical treatment. Also, agency annual review may be terminated; this provides a greater degree of family privacy and stability in the relationship.

The criteria for long-term placement also vary with state law, but we can identify some factors which are considered in ordering long-term placement: length of time in placement (a period for which a child must have been placed prior to consideration of long-term placement as an alternative); return to natural parents unlikely; placement for adoption unlikely; and custody until emancipation is intended.

Are there disadvantages to long-term foster care?

There might be pitfalls, depending on the circumstances of your case. For example, the natural parent might later decide to try to regain custody. That is easier to do than with adoption. When the child has been adopted it is rarely possible for the parent to regain custody.

Also, so long as the child is in foster care, the agency will continue to play some supervisory role.

How does this differ from legal custody?

With legal custody (which is essentially similar to guardianship by foster parents), the foster parent has the responsibility for care and control of the child, free from the direction and supervision of the agency. The rights of the natural parents are not necessarily terminated, and they may retain rights to visitation or the obligation to pay support.

Are there disadvantages to having legal custody (or guardianship)?

Again, parents can usually seek to regain custody of the child. It is important to be sure that parents really accept the arrangement and will not try to change it later.

You may not be eligible for any form of subsidy or public assistance on behalf of the children.

11.11: Removal of Children from Foster Homes

(1) Emergency Removal. If the department determines that a child's physical or emotional well-being would be endangered by leaving the child with a foster parent, it shall immediately remove the child. Except when it determines that such notice would place the child in danger of physical injury, the department shall notify the foster parent prior to removing the child. In all cases, the foster parent shall receive written notice of the reasons within five (5) days after the removal of the child, along with notice of the right to a hearing under this chapter.

(2) Non-Emergency Removal. In all cases other than those described in paragraph (1), the foster parent shall be notified in writing at least ten (10) days prior to the removal of the child, and shall be informed of the reasons for the removal and the right to a hearing under this chapter. If the foster parent claims a hearing under Section 11.13 within ten (10) days of receiving notice of the department's intent to remove the child, then the child shall not be removed until ten (10) days following the issuance of a decision of a hearing officer adverse to the foster parent's claim.

11.12: Closing a Foster Home

(1) "Closing a Foster Home" means:

(a) That the department will place no more children in the foster parent's home; and

(b) That all children currently in the home shall be removed in accordance with Section 11.11 unless removal would endanger the children's emotional or physical health.

(2) If the department determines that a foster parent is unable to meet the needs of foster children, it shall send written notification at least ten (10) days in advance of the intent to close the home. Notice of the right to appeal under this chapter shall be included.

11.13: Foster Parent Appeals Procedure

(1) Decisions Subject to Review

Foster parents and foster parent applicants have a right to appeal the following decisions by the department:

(a) A decision not to approve an application to become a foster parent;

(b) A decision to remove a child from the foster home, except that no right of appeal exists under the following circumstances:

(1) The child was or will be returned to his/her parents;

(2) The child was or will be placed in an adoptive home;

(3) The child was or will be placed in an independent living situation; or

(4) The child has spent less than six (6) weeks in the foster home;

(c) A decision to close the foster home;

(d) A decision not to approve the foster parent as an adoptive parent for a child in his/her care.

(2) Procedures

Except as stated in Sections 11.11 and 11.12, the appeal process for foster parents and foster parent applicants shall be identical to the fair hearing process for consumers found at 110 CMR 9.00.

(3) Grounds of Appeal and Burden of Proof

(a) The sole ground of appeal shall be that the department's action was without a reasonable basis.

(b) The foster parent shall have the burden of proof.

(4) Grievance Procedure

Foster parents may utilize the department's consumer grievance system established by 110 CMR 10.00 regarding any complaint concerning the operation of the social service program affecting them.

REGULARTORY AUTHORITY

110 CMR 11.00: G.L. c. 18B, section 7(i)

110 CMR 10.00 REGULATIONS GOVERNING CONSUMER'S GRIEVANCES

Section

10.01 Basis of Authority

10.02 Scope of Grievance Procedure

10.03 Grounds for Grievance

10.04 Informal Grievance Procedure

10.05 Formal Grievance Procedure

10.01: Basis of Authority

These regulations are promulgated under the authority of Section 7(i) of Chapter 18B of the General Laws.

10.02: Scope of Grievance Procedure

(1) This procedure permits consumers and foster parents to present grievances to the department concerning the operation of the comprehensive program of social services, including complaints regarding the conduct of any department employee.

(2) This procedure is not available to complain of conduct which can be the subject of a fair hearing. If a consumer files a grievance involving such conduct, the grievance shall be treated as a request for a fair hearing under Section 9.00 of these regulations.

(3) This procedure is not available to complain of conduct which is subject to review by an appeal under the foster parent appeal system. A grievance involving such conduct shall be treated as an application for review under Section 11.00 of these regulations.

10.03: Grounds for Grievance

The following are grourds for the filing of a grievance:

(1) A complaint by a consumer concerning the operation of a social service program affecting him/her;

(2) Misconduct by a department employee;

(3) The denial of visitation by the department or provider under Section 5.15(1) of these regulations;

(4) The failure of the department or provider to act on a CHINS referral under Section 6.05 of these regulations;

(5) The failure of the department or provider to follow procedural safeguards found at Sections 5.14 and 6.11 of these regulations;

(6) The failure of the department or provider to expunge records in accordance with Sections 7.11 and 8.15.

10:04: Informal Grievance Procedure

(1) To initiate the grievance procedure, the consumer shall file a written complaint with the supervisor of the employee whose conduct is complained of. If the consumer does not know who the responsible supervisor is, the consumer may file a complaint with the area director who shall assign the complaint to the responsible supervisor.

(2) Upon receipt of a grievance, the supervisor shall, within ten (10) days, determine:

(a) the nature of the conduct which appears to form the basis of the complaint;

(b) the department employee(s) who appear to be responsible for the conduct complained of; and

(c) whether the complaint is likely to be resolved by the informal grievance procedure.

(3) For all cases likely to be resolved by an informal grievance procedure, the supervisor shall schedule an informal meeting between the consumer and a representative of his/her choice, the employee(s) responsible and the supervisor, with notice to all such persons. The informal meeting shall be held within fifteen (15) days of receipt of the complaint, unless one or more of the persons entitled to notice is unable to attend for good cause within that period, in which case the meeting shall be held within five (5) days of the day the person becomes available to attend.

(4) The meeting shall be conducted in an informal manner and shall be considered as an opportunity for the department and consumer to resolve the complaint without the need for a formal grievance. The meeting shall be conducted in a manner calculated to ensure the efficient administration of the department's responsibilities.

(5) Within ten (10) days of the meeting, the supervisor shall send written notice of his/her decision to the consumer and to the responsible employee(s). The notice shall recite the grounds of the complaint, the facts of the case and any action taken by the supervisor. The notice shall also inform the consumer that he/she has the right within ten (10) days to request the area director to hold a formal grievance conference if he/she is dissatisfied with the decision.

10.05: Formal Grievance Procedure

(1) If, upon receipt of a grievance under Section 10.04(2), the supervisor determines that an informal meeting is not likely to resolve the issues complained of, he/she shall notify the area director in writing that a formal grievance conference is required.

(2) The notice shall contain the names and addresses of each person involved and a brief description of the subject matter of the complaint.

(3) Upon receiving a notice from a supervisor under Section 10.05(1) or a request from a consumer following an informal complaint procedure under Section 10.04, the area director shall within fifteen (15) days schedule a conference to resolve the complaint. He/she shall notify the persons involved by sending them a copy of the supervisor's notice and a notice of the time and place of the conference. Notice shall be given at least five (5) days prior to the scheduled conference date.

(4) The consumer may be accompanied by a representative of his/her choice at the conference.

(5) The conference shall be convened by the area director or his/her designee, and shall be conducted in an informal manner. The persons involved will be permitted briefly to state their position on the complaint, and the area director or designee at his/her discretion may permit each party to question the other.

(6) Within fifteen (15) days of the conference, the area director or designee shall issue a written decision based solely upon facts adduced at the conference and the laws and regulations governing the department. A copy of the decision shall be mailed to the consumer, the supervisor, the department employees involved, and the regional director. This decision shall be final and shall not form the basis of an appeal pursuant to G.L. Chapter 30A.

REGULATORY AUTHORITY

110 CMR 10.00: G.L. c. 18B, section 7(i)

110 CMR 9.00 FAIR HEARINGS

Section

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GENERAL PROVISIONS

9.01: Basis of Authority

The hearing procedures are set out to afford consumers of social services the opportunity to a fair and impartial review of certain actions or inactions by the department or by providers under contract with the department. This chapter is promulgated under the authority of General Laws, c. 18B, Section 7(i).

9.02: Definitions

As used in this chapter the following terms shall have the following meanings:

(1) "Applicant" means an individual who has applied or has been denied the opportunity to apply for any social service administered by the department and offered by the department directly or through a provider or through another public agency;

(2) "Authorized Representative" means any person, such as a lawyer, legal advocate, relative or friend who is authorized in writing by any party to represent him/her;

(3) "Consumer" means an applicant or recipient. Providers and foster parents shall not be considered consumers for purposes of this chapter in regard to any action or inaction relating to that status;

(4) "Hearing Officer" means the regional director or other impartial person designated by the regional director to conduct hearings and issue decisions pursuant to this chapter. For the purpose of this chapter, an impartial hearing officer is one who has no direct interest, personal involvement or bias in the matter and who has not had prior involvement in any matter over which he/she conducts a hearing, except in his/her capacity as a hearing officer.

The hearing officer shall not have been employed by the area office or provider whose action or inaction is the basis of the appeal and shall not have been a supervisor of the worker whose action or inaction is appealed.

(5) "Provider" means a public or private agency, business or individual involved in the delivery of social services who provides such services or programs under contract or agreement with the department.

(6) "Recipient" means a person who is or has been receiving a social service administered by the department and offered by the department directly or through a provider.

(7) "Regional Director" means a regional director of the department of social services.

(8) "Social Services" means any of the services included in General Laws c. 18B, Section 2 which form the basis of the comprehensive program of area-based social services administered by the department for families, children, and other individuals. All of the department's services are listed in 110 CMR 1.00. Such services may be provided directly by the department or by providers.

9.03: Description

The fair hearing process is designed to enable a consumer who is dissatisfied with certain actions or inactions by the department or by a provider to present his/her position in an informal hearing and to receive a just and fair decision from an impartial hearing officer based on the facts and applicable law. If, following a hearing before and decision by an impartial hearing officer, the consumer remains dissatisfied with the result, he/she shall have the opportunity to have the decision reviewed by the commissioner and finally by the courts.

9.04: Representation

(1) A consumer 14 years or older may appear in his/her own behalf or may be accompanied, represented and/or advised by an authorized representative. A consumer under the age of 14 shall appear through his or her family or next friend or an authorized representative approved by the department.

(2) An authorized representative shall file a written appearance with the department, which shall contain the name, address and telephone number of the representative, the signature of the consumer and the date submitted.

(3) The department may appear through an attorney or other representative.

9.05: Translation

(1) Written Communications. Written communications which may result in the commencement and/or scheduling of a fair hearing shall be sent in the language spoken by the consumer or shall contain a notice printed in English, Spanish, Portugese, Italian, Greek, French and Chinese to the effect that the document is important and should be translated immediately.

(2) Translators. Upon request, the department shall provide consumers whose primary language is other than English or who have impaired sensory, manual or speaking skills, with appropriate translators if their difficulty in speaking English or their impairment would prevent full participation at the hearing. The department and providers shall inform consumers of their right to a translator at the time of application, at the time of notification of any action, and at the time of scheduling a hearing.

9.06: Ex Parte Communications

The commissioner, regional director or hearing officer shall not consider any evidence, argument, analysis or advice, whether written or oral, regarding any matter at issue in a fair hearing, unless such submission is part of the record or made in the presence of all parties.

9.07: Time

(1) Timely Filing. All papers shall show the date received by the department. Papers filed in the following manner shall be deemed to be filed as stated herein:

(a) Hand-delivered during business hours. Papers filed by hand-delivery during regular business hours shall be deemed filed on the day delivered. A receipt shall be provided upon request.

(b) Hand-delivered during non-business hours. Papers filed by hand-delivery at times other than during regular business hours shall be deemed filed on the next regular business day.

(c) Mailing. Paper filed by mailing shall be deemed filed on the date received by the department.

(2) Computation of Time. Unless otherwise specifically provided by law or these rules, computation of any time period referred to in these rules shall begin with the first day following the act which initiates the running of the time period and shall include all calendar days, including weekends and holidays except that the last day of the time period so computed is not to fall on a Saturday, Sunday or legal holiday or any other day on which the department is closed. Instead it will fall on the end of the business day following the Saturday, Sunday, holiday or day on which the department is closed.

(3) Extension of Time. It shall be within the discretion of the department, for good cause shown, to extend any time limt contained in these rules except the time limit for filing an appeal. All requests for extensions for time shall be made by motion before the expiration of the original or previously extended time period.

NOTIFICATION OF ACTION

9:08: Time for Notification

At least fourteen (14) days prior to an action to reduce, suspend, discontinue, or terminate services, or increase the cost thereof, the department or provider shall give written notice to the recipient by hand-delivery or by placing in the mail.

9.09: Content of Notification of Action

A notice of intended action to reduce, suspend, discontinue, or terminate services or increase the cost thereof shall contain:

(1) A statement of what action the agency intends to take:

(2) The reasons for the intended action;

(3) The specific law or regulation supporting such action:

(4) An explanation of the recipient's right to request a hearing, including the time period within which to claim a hearing and to request a conciliation conference;

(5) A statement of circumstances under which services will be continued if a hearing is requested;

(6) A statement of the right to a translator as provided in 110 CMR 9.05(2); and

(7) A statement of the right to be represented by an authorized representative, including the addresses of local advocacy groups.

9:10: Dispensing with 14-day Advance Notice of Action

The department or provider may dispense with advance notice of action but shall send written notice not later than the date of action when:

(1) the department or provider has factual information confirming the death of a recipient of services;

(2) the department or provider has received a clear, written statement by a recipient that he/she no longer wishes services, or that gives information which requires termination or reduction of services, and the recipient has indicated, in writing, that he/she understands that this must be the consequence of supplying such information;

(3) a recipient has been accepted as a recipient of services in a new jurisdiction;

(4) a service was granted for a specific period and the recipient had been informed in writing at the time of initiation that the service would terminate at the end of the specified period.

GROUNDS OF APPEAL

9.11: Applicants' Grounds of Appeal

An applicant has the right to appeal:

(1) the denial of services;

(2) the decision to provide a service at a reduced level than requested by the applicant (except where the service provided is the maximum provided by the department or provider);

(3) the computation of a fee for services in excess of the minimum fee set by the department if the applicant is claiming the fee was incorrectly calculated;

(4) the failure of the department to act on an application for services within thirty (30) days of receipt of the application;

(5) the imposition of a fee for services if the applicant is claiming he/she is exempt from a fee.

9.12: Recipients' Grounds of Appeal

A recipient has the right to appeal:

(1) the suspension, discontinuance, reduction or termination of a service;

(2) the determination to increase the fee charged for a service, if the recipient is claiming that the fee was incorrectly calculated;

(3) the failure to act on a request to increase the level of service already provided (if the level of service is less than the maximum which could be provided), or to reduce a fee already set (if that fee is higher than the minimum fee), within thirty (30) days of a request.

9.13: Exclusions

The following are not grounds of appeal:

(1) the legality of state or federal law or regulation;

(2) the legality of a change in state or federal law or regulation.

INITIATING A HEARING

9.14: Request for Hearing

To begin the fair hearing process a consumer shall file a written request for hearing within thirty (30) days subsequent to any of the actions or inactions set forth as grounds of appeal.

9.15: Continuation of Service Pending Appeal

The filing of an appeal prior to the date an action is to be taken and the continued payment of pre-established fees shall stay an action until ten (10) days after the issuance of a decision of the hearing officer.

9.16: Content of Request for Hearing

A request for a hearing shall be sufficient to require the department to conduct a hearing provided it contains a clear expression of the consumer's intent to challenge a decision, to appeal, or to present his/her position to a person in authority other than the person who rendered the initial decision in his/her case. Consumers are encouraged to use forms supplied by the department and providers.

9.17: Where to File

A request for hearing shall be filed with a regional office of the department. Employees of the department and providers shall facilitate the filing of appeals, by providing forms, supplying addresses, and answering questions related to the appeals process. A copy of the appeal must be provided to the area office or provider whose action is appealed.

INFORMAL CONFERENCES

9.18: Conciliation Conference

(1) Within ten (10) days of filing or receiving a request for hearing, as the case may be, the consumer, the provider, or the department may request a conciliation conference in order to attempt to resolve the action or inaction which is the basis of the consumer's appeal. The conciliation conference will be scheduled at least ten (10) days prior to the scheduled hearing. The participants at the conciliation conference may include the area director or designee, the consumer,

the employee of the department or provider who rendered the decision to be appealed, the supervisor of said employee and any authorized representative.

(2) Consumers are encouraged to take advantage of the conciliation conference in order to work toward resolving disputes and clarifying issues. Hearings will not be delayed as a result of any conciliation conference unless all parties agree.

9.19: Settlement Conference

The consumer is encouraged to discuss the case at any time with the department or provider employees or representatives who were responsible for the action or inaction being appealed with the goal of reaching an agreement which would dispose of the need for a hearing. All interested parties shall have the opportunity to attend such discussions.

PRE-HEARING PROCEDURES

9:20: Scheduling

(1) Notification. Within ten (10) days of receipt of a request for hearing, the regional office shall send notification of the scheduled hearing date to the consumer, the appropriate area office of the department, and to the provider.

(2) Time Requirements for Hearing. The hearing shall be scheduled to be held within thirty (30) days of receipt of the request for hearing. The consumer shall receive at least ten (10) days notice of the hearing date.

(3) Content of Notice of Scheduled Hearing. The notice of scheduled hearing shall inform the consumer:

(a) the date, time and location of the hearing;

(b) that the consumer may see his/her file subject to the confidentiality requirements as set forth in 110 CMR 8.00;

(c) that the consumer may bring witnesses and an authorized representative;

(d) that the department or provider employee or employees who were directly involved in the event, act or failure to act that the consumer is appealing shall be available to attend the hearing as witnesses provided the consumer submits in writing to the regional director a request for their attendance at least five (5) working days prior to the scheduled date of the hearing; and that the department will issue subpoenas for other witnesses upon request made at least five (5) working days in advance of the scheduled hearing;

(e) that a translator will be provided as provided in 110 CMR 9.05(2);

(f) that the appeal shall be dismissed if (i) the consumer does not appear at the scheduled hearing without demonstrating to the satisfaction of the hearing officer good and sufficient cause for his/her absence or (ii) if the consumer otherwise demonstrates that he/she intends not to pursue his/her case.

9.21: Rescheduling

The regional director or his/her designee may reschedule a hearing only when the consumer demonstrates good and sufficient cause for his/her absence or unavailability at a scheduled hearing.

9.22: Location of Hearing

The hearing and conciliation conference shall take place at a location which is reasonably accessible to the parties.

9.23: Discovery

(1) The consumer and/or authorized representative are encouraged to examine the consumer's file at any reasonable time prior to or during the hearing, subject to the confidentiality requirements of 110 CMR 8.00.

(2) Upon request, copies of papers contained in the consumer's file shall be provided to the consumer at the rate of ten (10) cents per page. However, the department shall waive the fee for twenty (20) or fewer pages.

9.24: Motions or Requests

(1) Filing. The consumer, the department, and the provider may file written motions or requests prior to the hearing.

(2) Ruling. The hearing officer or other person designated by the regional director shall rule on all such motions or requests prior to or during the scheduled hearing.

9.25: Witnesses' Attendance

(1) Department or Provider Employees. The department or provider employee or employees who were directly involved in the action or in[illegible]ion that the consumer is appealing shall be available, upon wr[illegible]n request submitted at least five (5) working days before the hearing, to appear at the hearing.

(2) Other Person

(a) A party to a hearing shall have the right to subpoena witnesses for testimony and/or the production of evidence. The party may have the subpoena issued in any way permitted by law or

may request the regional office to issue a subpoena. Any request that the department issue a subpoena must be made at least five (5) working days prior to the scheduled hearing.

(b) In the event that a subpoena has been issued, any party or the person subpoenaed may file a written request to the department, its designee, or the hearing officer to vacate or modify a subpoena.

(1) The hearing officer shall give notice of a request to vacate or modify to all parties orally or in writing. The notice shall recite the contents of the petition. If time does not permit a party to respond to the request to vacate or modify the subpoena, the hearing on the merits shall be postponed long enough to permit the party to do so. A determination on such petition shall not require a hearing.

(2) In order to grant the petition in whole, or in part, the hearing officer must find that:

(i) the testimony or evidence whose production is required does not reasonably relate to any matter in question, is unreasonable or oppressive: or

(ii) the subpoena has not been issued a reasonable period in advance of the time when the evidence is requested.

(c) If any person fails to comply with a properly issued subpoena, the party requesting the issuance of the subpoena may petition the superior court for an order requiring compliance with the terms of the subpoena.

THE HEARING

9.26: Conduct of Hearing

The hearing shall be as informal as may be reasonable and fair under the circumstances. The hearing officer shall maintain decorum throughout the course of the hearing.

9.27: Submission Without Hearing

The consumer may elect in writing to waive a hearing and to submit documents or other material without appearing. Such waiver must be clear, informed and unequivocal.

9.28: Order of Presentation

The hearing officer shall inform the parties as to the order of presentation. Ordinarily, however, the following rules will apply:

(1) Statements. The consumer will present his/her opening and closing statements prior to the presentation of the opening and closing statements of the other party or parties.

(2) Evidence. The consumer will proceed with the presentation of his/her case, followed by the department or provider. After the parties have completed their cases, the hearing officer may permit each party to respond by introducing additional evidence.

9.29: Burden of Proof

The consumer must prove his/her case by a preponderance of the evidence. A preponderance of the evidence means that a certain conclusion is more likely than not.

9.30: Evidence

(1) General. The hearing officer need not strictly follow the rules of evidence, but shall observe the privileges recognized by law. Only evidence which is relevant and material may be admitted and may form the basis of the final decision of the hearing officer. Unduly repetitious or clearly irrelevant evidence shall be excluded.

(2) Oral Testimony. Oral testimony shall be given under oath or affirmation. Witnesses shall be available for examination and cross-examination. The hearing officer shall have the authority to place witnesses under oath or affirmation, and to sequester witnesses.

(3) Regulations. Regulations of a state or federal agency shall be admitted into evidence by reference to them or by the submission of a copy.

(4) Other Documents or Written Material. All documents and written material admitted into evidence shall be authenticated to the satisfaction of the hearing officer. Written material from the consumer's department file shall be admitted without further authentication.

(5) Stipulations. Where the parties consent, stipulations of fact and stipulations as to the testimony that would have been given by a witness shall be admitted into evidence at the hearing.

9.31: Memoranda

The hearing officer may order that memoranda be filed at any time prior to issuance of the decision. The record shall remain open until the expiration of the date on which memoranda are due.

9.32: The Record

The record shall consist of the documents and testimony accepted into evidence.

9.33: Recording of Hearing

All hearings shall be recorded by tape or stenographic means. Such recordings shall be available to the parties upon request.

THE DECISION

9.34: Time for Decision

The hearing officer shall issue the decision within fifteen (15) days of the conclusion of the hearing. A copy of said decision shall be forwarded to each of the parties on the date the decision is rendered, with notice of the right to appeal to the commissioner within ten (10) days of issuance of the decision.

9.35: Form of Decision

The decision shall consist of a presentation of all issues raised and considered, a summary of the relevant evidence presented, findings of fact, the reasons for the conclusion reached on each issue raised, and the specific statutes, regulations, case law, and administrative precedent supporting the conclusion. The decision shall be signed and dated by the hearing officer.

9.36: Basis of Decision

The decision shall be based exclusively upon the record and upon the relevant statutory, regulatory, case and adminstrative law.

9:37: Special Provisions for Fee-Paying Consumers

When the appeal is taken by a fee-paying consumer, the hearing officer shall include in the decision an order relative to the recoupment or repayment of fees as set forth below:

(1) If the consumer's challenge to the fee is successful, any extra fees paid shall be refunded within ten (10) days of the decision. Failure to repay fees shall constitute a ground to terminate a provider's contract.

(2) If the consumer's challenge to the fee is unsuccessful, the consumer shall pay any fees owed within ten (10) days of the decision. Failure to pay such fees shall constitute a ground to terminate the service in accordance with the procedures set forth in these regulations.

(3) A party against whom such an order is made, shall also be informed in the decision of his/her right to request that the commissioner stay the order pending commissioner's review.

POST HEARING PROCEDURES

9.38: Commissioner's Review

(1) Time. Within ten (10) days of the issuance of the decision, either party shall have the right to request further review by the commissioner or the commissioner's designee by filing a written request for review with the commissioner. The party requesting review by the commissioner shall send a copy of the request to the other party by first class mail.

(2) Content of Request for Review. The request shall contain specific objections to the decision of the hearing officer and specific arguments supporting the objections.

(3) Response to Request for Review. Within ten (10) days of the filing of a request for review, the other party may file written objections or arguments on his/her behalf.

(4) Continuation of Services Pending Review. Services shall continue at pre-established levels only in the discretion of the commissioner or commissioner's designee.

(5) Procedure. The commissioner or designee shall review the record of the hearing and based on the record shall affirm or reverse the decision or remand the matter to the hearing officer for the purpose of taking additional evidence.

(6) Notice of Decision on Review. Within twenty (20) days of the filing of a request for review, the commissioner shall render a final determination. Notice and a copy of said determination shall be sent to the parties on the date issued and shall include a statement of the reasons for the determination and a statement specifying the right to appeal the determination to court and the manner and time limits for appealing. The determination of the commissioner is the final administrative decision for purposes of judicial review.

9.39: Motion for Reconsideration

At any time subsequent to the issuance of the decision of the hearing officer or the final determination of the commissioner, any party may present a motion to reconsider to the commissioner alleging that the decision of the hearing officer or final determination by the commissioner was based on fraud or mistake. The commissioner or designee may investigate the allegations and if substantial, recommend an appropriate remedy.

REGULATORY AUTHORITY

110 CMR 9.00: G.L. c. 18B, section 7(i)

Improved Planning for Children in Foster Care: The Involvement of the Legal System

On August 11, 1980 the National Legal Resource Center for Child Advocacy and Protection began a two year program to help the legal system make a better contribution toward planning for foster children. Among the issues the project is concerned with are:

- the improvement of early judicial screening of cases, to avoid unnecessary out-of-home placements;
- the use of mandatory, family-centered services, including home-based preventative services prior to out-of-home placements and services designed to rehabilitate and reunite natural families;
- the use of dispositional proceedings to develop treatment plans and to facilitate continued parent-child contacts;
- the use of external review proceedings to reduce inappropriate or unnecessarily prolonged foster placements;
- the use of appropriate legal criteria in court procedures to establish permanent out-of-home placement of children who cannot be returned to their parents, including adoption, termination of parental rights, guardianship, and long term foster care;
- the provision of legal counsel for parents, agencies, and children at all stages of proceedings.

The project has several major objectives:

- Prepare a self assessment guide to evaluate the performance of the legal system in foster care planning.
- Prepare a legal practice manual for attorneys.
- Work intensively with local organizations and attorneys in several "target states" to effect reform.
- Offer technical assistance and operate an information clearinghouse.
- Co-sponsor, conduct and participate in national, regional, state and local training programs.

For further information regarding the project, contact:

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